

E-FILED on 11/13/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re PALM TREO 600 and 650 LITIGATION

Master File No. C-05-03774 RMW

This Document Relates To:

WILLIAMS, C-06-00907

ORDER AWARDING PALM, INC. COSTS &  
FEES AGAINST REGINALD VON  
TERRELL, THE TERRELL LAW GROUP,  
DONALD CHIDI AMAMGBO, AND  
AMAMGBO & ASSOCIATES

[Re Docket Nos. 15, 16, 17]

On September 12, 2006, the court issued an order to show cause to Reginald Von Terrell, the Terrell Law Group, Donald Chidi Amamgbo, and Amamgbo & Associates, ordering them to show why they should not be sanctioned under 28 U.S.C. § 1927 for "unreasonably and vexatiously" multiplying proceedings before this court. Terrell, Amamgbo, and their law firms did not respond, and the court found that they had "unreasonably and vexatiously" multiplied proceedings in violation of 28 U.S.C. § 1927. On September 28, 2006, the court ordered that if defendant Palm, Inc. submitted detailed billing records, the court would order Terrell, Amamgbo, and their law firms to satisfy the costs, expenses, and attorneys' fees Palm reasonably incurred responding to the complaint in this action.

Palm submits the declaration of one of its attorneys, Roger Collanton, as well as a billing statement from Morrison & Foerster to Palm (redacted to show only entries relating to this action).

ORDER AWARDING PALM, INC. COSTS & FEES AGAINST REGINALD VON TERRELL, THE TERRELL LAW GROUP, DONALD CHIDI AMAMGBO, AND AMAMGBO & ASSOCIATES—Master File No. C-05-03774 RMW  
JAH


1 These documents show that Morrison & Foerster billed Palm a total of \$25,173.60 for responding  
 2 to the complaint in this action. The bulk of this cost, almost \$20,000, was for Palm's motion to  
 3 dismiss. Approximately \$3,000 was for preparation for a case management conference, which,  
 4 because Palm's motion to dismiss was granted, never occurred. Approximately \$1,000 was spent  
 5 on preparing for alternative dispute resolution, which likewise did not occur. Only \$88.60 is for  
 6 costs, consisting of photocopies and travel.

7 Section § 1927 limits any recovery by Palm to what is reasonable. Palm moved to dismiss  
 8 the complaint because the plaintiffs served it ten days beyond the time limit set by Rule 4(m). The  
 9 issue was straightforward, and Palm's moving papers contained only four pages of argument  
 10 (which, under the circumstances, was more than sufficient). Successfully moving to dismiss this  
 11 complaint was of limited benefit to Palm, as no claims were extinguished and the main action still  
 12 exists as a putative class action.

13 Eight hours of associate research time, two hours of review by a partner, and three hours  
 14 for a partner to travel to San Jose from San Francisco to appear at the hearing is the outer limit of  
 15 what would be reasonable to spend on this motion to dismiss. Palm also had to make  
 16 arrangements regarding a case management conference and alternative dispute resolution, although  
 17 in light of Palm's motion to dismiss, it would have been reasonable for a partner to spend no more  
 18 three hours on these matters. According to Collanton's declaration, his billing rate is \$510 per  
 19 hour, and that of associate Claudia Vetesi is \$285 per hour. A reasonable amount of attorneys'  
 20 fees for responding to this complaint is therefore \$6,360.<sup>1</sup> The costs of \$88.60 are not  
 21 unreasonable. Palm is therefore entitled to collect \$6,448.60 from Terrell, Amamgbo, and their  
 22 law firms; Terrell, Amamgbo, and their law firms shall be jointly and severally liable for this debt.

23 The court notes that under California Business & Professions Code § 6068(o)(3), Terrell and  
 24 Amamgbo are required to report this sanction to the State Bar of California.

25 DATED: 11/13/06

  
 26 RONALD M. WHYTE  
 27 United States District Judge

28 <sup>1</sup> (8 x \$285) + [(2 + 3 + 3) x \$510] = \$6,360

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiffs:**

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7  
8 Counsel are responsible for distributing copies of this document to co-counsel that have not  
registered for e-filing under the court's CM/ECF program.

9  
10 **Dated:** 11/13/06

/s/ JH  
Chambers of Judge Whyte